

**Commonwealth of Massachusetts
SUFFOLK SUPERIOR COURT
Case Summary
Civil Docket**

Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al

Details for Docket: SUCV2002-02562

Case Information

Docket Number:	SUCV2002-02562	Caption:	Schmitt, M81137 v Smith, MCI-CJ IPS Officer et al
Filing Date:	06/11/2002	Case Status:	Dismissed
Status Date:	06/25/2004	Session:	Civil D
Lead Case:	NA	Case Type:	Prisoner Cases

Tracking Deadlines

TRK:	F	Discovery:	04/07/2003
Service Date:	09/09/2002	Disposition:	08/05/2003
Rule 15:	11/08/2002	Rule 12/19/20:	11/08/2002
Final PTC:	06/06/2003	Rule 56:	05/07/2003
Answer Date:	11/08/2002	Jury Trial:	NO

Parties Involved

8 Parties Involved in Docket: SUCV2002-02562

Party Involved:		Role:	Defendant
Last Name:	Allen, MCI-CJ Supt	First Name:	Peter
Address:		Address:	
City:		State:	
Zip Code:		Zip Ext:	
Telephone:			

Party Involved:		Role:	Defendant
Last Name:	Faria, MCI-CJ disciplinary hearing officer	First Name:	William
Address:		Address:	
City:		State:	

Zip Code:
Telephone:

Zip Ext:

**Party
Involved:**

Role: Defendant

Last Name: Grossi, MCI-CJ IPS Commmander

First Name: William

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

**Party
Involved:**

Role: Defendant

Last Name: Maloney, Comr of Correction

First Name: Michael T

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

**Party
Involved:**

Role: Defendant

Last Name: Massachusetts Dept of Correction

First Name:

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

**Party
Involved:**

Role: Defendant

Last Name: Smith, MCI-CJ IPS Officer

First Name: Jeffrey

Address:

Address:

City:

State:

Zip Code:

Zip Ext:

Telephone:

**Party
Involved:**

Role: Defendant

Last Name: Therien, MCI-CJ disciplinary
Sergeant

First Name: Ernest

Address:

Address:

City:

State:

Zip Code:
Telephone:

Zip Ext:

Party Involved:

Role: Plaintiff

Last Name: Schmitt, M81137
Address: Mass. Treatment Center
City: Bridgewater
Zip Code: 02324
Telephone:

First Name: Joseph P
Address: 30 Administration Road
State: MA
Zip Ext:

Attorneys Involved

7 Attorneys Involved for Docket: SUCV2002-02562

Attorney Involved:

Firm Name: MA14

Last Name: Daniele
Address: 70 Franklin Street
City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 125
Representing: Smith, MCI-CJ IPS Officer, Jeff (Defendant)

Attorney Involved:

Firm Name: MA14

Last Name: Daniele
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City: Boston
Zip Code: 02110
Telephone: 617-727-3300
Fascimile: 617-727-7403

First Name: Julie E
Address: Suite 600 Legal Division
State: MA
Zip Ext: 1300
Tel Ext: 125
Representing: Therien, MCI-CJ disciplinary Sergeant, Ernest (Defendant)

Attorney Involved:

Firm Name: MA14

Last Name: Daniele
Address: 70 Franklin Street
City: Boston

First Name: Julie E
Address: Suite 600 Legal Division
State: MA

Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	125
Fascimile:	617-727-7403	Representing:	Allen, MCI-CJ Supt, Peter (Defendant)

Attorney Involved:		Firm Name:	MA14
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	125
Fascimile:	617-727-7403	Representing:	Grossi, MCI-CJ IPS Commmander, William (Defendant)

Attorney Involved:		Firm Name:	MA14
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	125
Fascimile:	617-727-7403	Representing:	Maloney, Comr of Correction, Michael T (Defendant)

Attorney Involved:		Firm Name:	MA14
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300
Telephone:	617-727-3300	Tel Ext:	125
Fascimile:	617-727-7403	Representing:	Massachusetts Dept of Correction, (Defendant)

Attorney Involved:		Firm Name:	MA14
Last Name:	Daniele	First Name:	Julie E
Address:	70 Franklin Street	Address:	Suite 600 Legal Division
City:	Boston	State:	MA
Zip Code:	02110	Zip Ext:	1300

Telephone: 617-727-3300

Tel Ext: 125

Fascimile: 617-727-7403

Representing: Faria, MCI-CJ disciplinary hear officer, William (Defendant)

Calendar Events

No Calendar Events found for Docket: SUCV2002-02562.

There are currently no calendar events associated with this case.

Full Docket Entries

79 Docket Entries for Docket: SUCV2002-02562

Entry Date:	Paper No:	Docket Entry:
06/11/2002	1	Affidavit of indigency and Request for Waiver, substitution or state
06/11/2002	1	payment of fees & costs Filing fee service fee waived (IMPOUNDED)
06/11/2002		Origin 1, Type E96, Track F.
06/11/2002	2	Complaint
06/11/2002	3	Civil action cover sheet filed
06/11/2002	4	Motion of plff to serve defendants via first class pre paid mail
06/21/2002	5	ORDER PURSUANT TO M.G.L. C261 S 29 -- The Department of Corrections
06/21/2002	5	is ORDERED to produce to the Suffolk Superior Court a statement of
06/21/2002	5	the inmate account for JOSEPH P. SCHMITT who is housed in the M.C.I.
06/21/2002	5	CEDAR JUNCTION , WALPOLE, MA. 02071. The statement to be produced
06/21/2002	5	shall be for the 6 month period prior to the date of this order. The
06/21/2002	5	statement is to be mailed to: Suffolk Superior Court, Prisoner
06/21/2002	5	Department, 90 Devonshire Street, Boston, Ma. 02109. Service is to be
06/21/2002	5	made upon defendant(s) by means of certified mail by plaintiff. A
06/21/2002	5	copy of the complaint is to be sent to the Office of the Attorney
06/21/2002	5	General or the Department of Corrections by the Plaintiff. (White,
06/21/2002	5	Justice) (Dated 06/20/02) Notice Sent 06/24/2002.
07/02/2002	6	SERVICE RETURNED: Jeffrey Smith, MCI-CJ IPS Officer(Defendant)
07/02/2002	6	(certified mail)
07/02/2002	7	SERVICE RETURNED: William Grossi, MCI-CJ IPS Commmander(Defendant)
07/02/2002	7	certified mail
07/02/2002	8	SERVICE RETURNED: Ernest Therien, MCI-CJ disciplinary
07/02/2002	8	Sergeant(Defendant) Certified mail
07/02/2002	9	SERVICE RETURNED: Peter Allen, MCI-CJ Supt(Defendant) Certified Mail
07/02/2002	10	SERVICE RETURNED: Michael T Maloney, Comr of Correction(Defendant)

07/02/2002	10	certified mail
07/02/2002	11	SERVICE RETURNED: Massachusetts Dept of Correction(Defendant)
07/02/2002	11	Certified mail
07/02/2002	12	SERVICE RETURNED: William Faria, MCI-CJ disciplinary hearing
07/02/2002	12	officer(Defendant) certified mail
07/09/2002	13	Motion of plff to amend complaint (w/o opposition)
07/17/2002	14	Defendant's Emergency Further Motion to Enlarge Time in These and
07/17/2002	14	Related Cases & Allowed (White,J) (Dated 7/15/02) notice sent 7/16/02
08/27/2002	15	ORDER AND JUDGMENT The plaintiff has filed a motion to dismiss
08/27/2002	15	(withdraw) the above captioned actions without prejudice to his
08/27/2002	15	seeking relief in federal court. No opposition to his motion (P#13
08/27/2002	15	in case 02-1461) has been filed. The motion is allowed and the court
08/27/2002	15	orders that: Judgment shall enter dismissing the above seven actions
08/27/2002	15	without prejudice (King, J.) entered on docket pursuant to Mass R Civ
08/27/2002	15	P 58(a) and notice sent to parties pursuant to Mass R Civ P 77(d)
08/27/2002	15	(See Original Order and Judgment (P#38) in case 02-335)
10/04/2002	16	Motion of plff for Court to vacate its Order and Judgment (w/o
10/04/2002	16	opposition)
10/04/2002	17	Motion of plff for copy of case file (w/o opposition)
02/26/2003		Motion (P#[16) Denied (King,J) Notice Sent 2/24/03 (entered
02/26/2003		2/7/03)
02/26/2003		Motion (P#17) DENIED (Patrick King, Justice) (entered 2/7/03)
12/03/2003	18	Motion of plaintiff for copy of case file Denied (White, J.). Notice
12/03/2003	18	sent 12/4/03
12/03/2003		ORDER ON PLAINTIFF'S MOTIONS FOR CERTIFIED COPIES OF CASE FILES AND
12/03/2003		UPDATED DOCKET SHEETS Plaintiff has filed a motion for certified
12/03/2003		copy of case file and updated docket sheet in each of the above
12/03/2003		enumerated cases. This motiion in each case is Denied As to at least
12/03/2003		eight of the cases. the same request has already bee Denied by King,
12/03/2003		J. on Feb. 7 2003 In addition Plaintiff seeks in excess of 2,500
12/03/2003		pages of certified copies the cost of which totals \$6,425.00 He is
12/03/2003		not entitled to this extraordinary expense particularly at this time
12/03/2003		of inadequate court resources (White, J.). Notice sent 12/4/03 (See
12/03/2003		P#48 in case #99-0546)
12/03/2003		MOTION (P#18) DENIED. See order this date. (White, Justice)
12/03/2003		Notices mailed December 4, 2003.
12/23/2003	19	Motion of plff for reconsideration regarding Justice White's denial
12/23/2003	19	of motion for copy of case file (w/o opposition)
12/24/2003	19	Motion of plff for hearing date on his motion for reconsideration
12/24/2003	19	regarding White, Justice denial of motion for copy of case file and
12/24/2003	19	motion for court to habe plaintiff to court hearing (w/o opposition)

03/04/2004	20	Plaintiff Joseph P Schmitt, M81137's notice of appeal
03/11/2004		MOTION (P#19) DENIED. (White, Justice) (dated 03/03/2004) Notice
03/11/2004		Sent 03/11/2004.
03/11/2004		MOTION (P#19.1) DENIED. No hearing necessary. (White, Justice)
03/11/2004		(dated 03/03/2004) Notices mailed 03/11/2004.
04/27/2004	21	Plaintiff Joseph P Schmitt, M81137's notice of appeal
05/03/2004		Notice to Justice Catherine White of the filing of Notice of Appeal
05/03/2004		Notice of service of the filing of Notice of Appeal to: Julie E.
05/03/2004		Daniele, Esquire, Mass Corrections Department
06/18/2004		Notice of assembly of record on Appeal
06/25/2004		COPY of notice of docket entry received from Appeals Court: ORDER
06/25/2004		for the foregoing reasons, the consolidated appeals are dismissed."
06/25/2004		(Mills, J.) (See P#46 in case 2002-335)
